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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D C 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of	)	
	)	
2002 Biennial Regulatory Review - Review of the	)	MB Docket No. 02-277
Commission's Broadcast Ownership Rules and	)	
Other Rules Adopted Pursuant to Section 202 of	)	
The Telecommunications Act of 1996	)	
	)	
Cross-Ownership of Broadcast Stations and	)	MM Docket No. 01-235
Newspapers	)	
	)	
Rules and Policies Concerning Multiple	)	MM Docket No. 01-317
Ownership of Radio Broadcast Stations	)	
In Local markets	)	
	)	
Definition of Radio Markets	)	MM Docket No. 00-244
	)	

Reply Comments of the United States Conference of Catholic Bishops

The United States Conference of Catholic Bishops ("USCCB") submits the following reply comments in the above-referenced Notice of Proposed Rulemaking, released September 23, 2002.

The USCCB is a nonprofit corporation organized under the laws of the District of Columbia. All active Catholic Bishops in the United States are members of the USCCB. USCCB advocates and promotes the pastoral teachings of the Bishops in such diverse areas as education, health care, social welfare, immigration, civil rights, family life and communications. USCCB has extensive experience producing, funding and placing quality programming for television, radio and cable outlets. USCCB is committed to maintaining a place for religion and values on the public airwaves and to programming that inspires, informs and educates. Protection of the public's rights to disseminate and receive information from diverse sources on the scarce public resource of the airwaves is at issue in this rulemaking and is a matter of particular concern to the USCCB.

The USCCB supports the Comments of the Consumer Federation of America, Consumers Union, Center for Digital Democracy and Media Access Project (hereinafter "CFA"), and urges the Commission not only to retain current ownership limits, but to promulgate regulations to define digital television broadcasters' public interest obligations.

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Under current ownership regulations, ownership of radio and television stations is concentrated in the hands of a few owners, as CFA's Comments amply demonstrate. Ownership of local broadcast stations by increasingly fewer companies over the past 25 years has ill served the needs and interests of the communities whose radio and television stations were licensed to serve, particularly their religious needs. USCCB agrees with the CFA that further loosening of the already generous ownership regulations would worsen this situation, particularly in light of the lack of enforceable regulations defining how broadcast licensees must meet their statutory public interest obligations. USCCB agrees with the CFA that "[g]reater concentration reduces public interest and culturally diverse programming. ... The result is a tyranny of the majority, in which minority, unpopular and noncommercial points of view are squeezed out." CFA Comments, page three. Viewed from another perspective it is also tyranny of a minority – programs are created and distributed to every local community by those few corporations which own and control television and radio stations (and newspapers). Permitting ownership of more media outlets in the hands of fewer owners will worsen the already hostile climate for local news and public affairs programming. The FCC should decline to take any action which would increase concentration of ownership in broadcasting.

Instead of devising ways of increasing the concentration of control, the FCC should take affirmative steps to correct broadcast practices which have skewed the appropriate balance of rights between broadcasters and the public. As CFA's Comments illustrate (and as USCCB's reply comments also show), broadcasters have, since the 1980's, failed to fulfill their statutory responsibility to serve the public interest. Previous ownership rule changes are one reason for this failure. The absence of regulations which require broadcasters to document how they have determined their community's needs and interests and provided programs to fill those is another. Three years ago, the FCC took tentative steps towards examining the appropriate regulatory system at least with regard to television licensees operating on their digital channel. Although the FCC opened two rulemakings intended to examine how digital television broadcasters should disclose their efforts to meet their community's needs and interests and meet the requirements of the Children's Television Act (In the Matter of Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations, MM Docket No. 00-168, 65 Fed. Reg. 62683 (2000); In the Matter of Children's Television Obligation of Digital Television Broadcasters, MM Docket No. 00-167, 65 Fed. Reg. 66951 (2000)), it never completed them. The FCC should now move decisively and focus on promulgating regulations which impose clear, enforceable requirements that digital broadcasters (1) ascertain the needs and interests of their communities of license, and (2) set a minimum amount of free public affairs and other free programming which meets those needs and interests.

USCCB and Catholic dioceses which attempt to air USCCB-produced and their own programs on local television outlets face formidable barriers to placing those

programs. Those barriers have resulted from the elimination of regulations which enforced the public interest responsibilities of broadcasters, as well as the increased concentration of these regulated industries. There are fewer opportunities for placement of programs, and those that air are scheduled at air times when few persons are watching. Our experiences in attempting to distribute programs with religious and social welfare themes on television should inform the decisions of the FCC as it creates the future regulatory environment for digital television.

The gift to television broadcasters of an additional channel for digital television use is a powerful reminder that the broadcast spectrum is a scarce public resource in which the public has a First Amendment interest. Whether television broadcasters use analog or digital technology, they must use a portion of the television spectrum to operate and obtain a license from the FCC for the use of that spectrum. The FCC's decisions regarding digital television, then, must be guided by the same bedrock principles. A television licensee operates on a public resource not open to all, and the First Amendment speech rights of the public in the use of that spectrum, not the broadcaster, are paramount. *Red Lion Broadcasting Co. v. FCC*, 395 U.S. 367, 390 (1969). The government may require the licensee to "conduct himself as a proxy or fiduciary with obligations to present those views and voices which are representative of his community and which would otherwise, by necessity, be barred from the airwaves." *Id.* at 389. The obligation of television broadcasters to act as a public trustee is essential to protecting the public's First Amendment rights. "[I]t is axiomatic that broadcasting may be regulated in light of the rights of the viewing and listening audience .... Safeguarding the public's right to receive a diversity of views and information over the airwaves is therefore an integral component of the FCC's mission." *Metro Broadcasting, Inc. v. FCC*, 497 U.S. 547, 567 (1990). A broadcaster's obligation to serve the public interest by acting as a public trustee promotes the First Amendment rights of the public. "[T]he 'public interest' standard necessarily invites reference to First Amendment principles" *Columbia Broadcasting System, Inc. v. Democratic National Committee*, 412 U.S. 94, 122 (1973), and, in particular, to the First Amendment goal of achieving 'the widest possible dissemination of information from diverse and antagonistic sources,' *Associated Press v. United States*, 326 U.S. 1, 20 (1945)." *FCC v. National Citizens Committee for Broadcasting*, 436 U.S. 775, 795 (1978).

The FCC has consistently defined the public interest over the last sixty years as requiring each broadcast licensee to determine the needs and interest of its community of license, including religious needs, and develop programming to meet them. That simple principle, applied here, is the touchstone of effective regulation of digital television. The FCC has ample authority to apply the obligation to serve the public interest to each digital channel operated by digital broadcasters. In section 336 of the 1996 Telecommunication Act, Congress specifically retained broadcasters' "obligation to serve the public interest, convenience and necessity." 47 U.S.C. §336(e). The availability of a new technology available to television licensees does not divest the FCC

of its authority to interpret how the public interest is to be served. "While this criterion [the public interest] is as concrete as the complicated factors for judgment in such a field of delegated authority permits, it serves as a supple instrument for the exercise of discretion by the expert body which Congress has charged to carry out its legislative policy .... Underlying the whole law [the Communications Act] is recognition of the rapidly fluctuating factors characteristic of the evolution of broadcasting and of the corresponding requirement that administrative process sufficient flexibility to adjust itself to these factors." *FCC v. Pottsville Broadcasting Co.*, 307 U.S. 134, 137-138 (1940). The FCC has continued to adjust the public interest obligation as television has evolved.

In its 1941 Supplemental Report on Chain Broadcasting, the FCC confirmed that it intended that broadcasters devote an adequate amount of time to meet the needs of the community in issues of local interest. *NBC v. United States*, 319 U.S. 190 (1943). The FCC clarified a broadcast licensee's public interest obligation by issuing programming guidelines, which listed religious programs as one of the "major elements usually necessary to meet the public interest, needs and desires of the community in which the station is located." 7960 *Programming Statement*, 20 R.R. 1901, 1913 (1960). In 1971, the FCC further assisted licensees in meeting their fundamental obligation to serve local needs and interests by developing methodologies to determine those needs and interests, one of which was to interview community leaders. *Primer on Ascertainment of Community Problems*, 21 R.R.2d 1507 (1971). Among these community leaders, the FCC specifically mentioned religious leaders, although the licensee was expected to determine which community groups and needs are significant and merit responsive programming. *Id.* at 1518. Even as the FCC changed the regulations intended to ensure that licensees meet their public interest obligation to their local community of license, it confirmed that a pivotal goal of the Communications Act is "...present information on public issues so that the public may be informed, and that this information should come from diverse sources." *In the Matter of Deregulation of Radio*, 49 R.R.2d 1, 11 (1981).

The FCC's deregulatory actions of the early 1980's were not intended to alter broadcasters' obligations to meet community needs with responsive programming, but only change the manner that obligation was enforced. *In the Matter of Deregulation of Radio*, 49 R.R.2d 1, 7 (1981), affirmed in part, *Office of Communication of United Church of Christ v. FCC*, 707 F. 2d 1413 D.C. Cir. (1983). ("It is not the public interest standard that we proposed to eliminate.... [W]e sought to explore in this proceeding the question of whether or not in the context of radio the public interest can be met through the working of market place forces rather than by current Commission regulations.") *In the Matter of the Revision of Programming and Commercialization Policies, Ascertainment Requirements, and Program Log Requirements for Commercial Television Station*, 56 R.R. 2d 1005, 1007 (1984), affirmed in part, *Action for Children's Television v. FCC*, 821 F.2d 741 (D.C.Cir. 1987). ("[W]e are by this Order retaining the obligation of licensees to provide programming that responds to issues of concern to the community."). The result,

however, has been that broadcasters have failed to meet their public interest obligations.

The experience of the USCCB and Catholic dioceses provides confirmation of that failure. USCCB has collected observations about the news and public affairs programs of local broadcasters from directors of communication of Catholic dioceses throughout the United States. These directors act as the media spokesperson for their dioceses and distribute public affairs programs and PSA's. At their request, their names and the names of their religious employers, and the call signs and community of license of the television licensees have been withheld. Most of the communications directors feared that if they were identified, television licensees would retaliate by refusing to respond to requests that licensees meet community religious needs. Illustration of the indifference of licensees to community needs and interest occurred in the FCC's *en bnnc* hearing in 2000 about the public television licensees. Similarly, Sr. Mary Parks, Secretary for Communications for the Diocese of Altoona-Johnstown, who testified on October 16, 2000 to the Commission at its *en bnnc* hearing (testimony attached), expressed similar concerns that her testimony would result in retaliation. In fact, Sr. Mary was questioned about the content of her testimony by a local broadcaster on the Friday before the hearing was held (and before the witness list was publicly released). Such fears themselves reveal the need for regulations to require that digital television licensees serve the public interest.

The following are some of the experiences of communications directors of more than 25 different Catholic dioceses, in their own words, which indicate the need for regulations:

"In the diocese, there are five radio stations (three FM and two AM). Until five years ago, these were owned by three different entities and the cost of purchasing air time was very competitive. Then it was two owners. In this past year, all five are now owned by the same company - which also owns two other stations in the diocese. As a result, I have seen the rates increase remarkably - and evenly - on all stations... Inasmuch as I purchase air time throughout the year on many stations..., and do so on a limited budget, rate competition is an important factor."

"CBS recently put for sale local studios in another town from which we have broadcast a live TV Mass every Sunday for 45 years. That station will become a clone of the [closest major city's] station, with no more community service or local newscasts. The community is in mourning, and editorials in local papers have questioned the FCC's lack of appropriate stewardship regarding the public's airwaves... In return for media companies' using those public airwaves to make money, we should insist on public service and public access."

“Broadcasters do not now have full and fair coverage of local issues, especially in what they decide not to report... I have had several recent experiences addressing allegations (affirmatively found to be unsubstantiated) against military priests. The media questions and final stories were virtually identical in Boston, Florida, Wyoming, California, AP and Bloomberg.”

“We can see how the networks have fared when regulations have been weakened in the past. Even the short religious broadcasting programs, which had been relegated to the midnight hour or early Sunday morning, have gone the way of the dodo.”

”The big change for us occurred ... when the ABC station informed us they would no longer broadcast our Sunday Mass, after 27 years on the air. After much discussion, the general manager could/ would not even sell us air time for the Mass. It was the same story at the other stations as well; no local times available. Everything was sold and not available locally. We now pay \$72,000 annually to broadcast a half hour Mass on PaxTV. [W]e were told by management we could not broadcast any subject that would be considered controversial; i.e., abortion. The role of the Catholic Church is a vibrant one here, especially with Catholic Charities, the elderly population and the immigration issues that occur on almost a daily basis. The Church now pays for TV time for 30 second announcements; in fact, we have just begun our second flight for the Lenten and Easter seasons. The first flight of advertising on broadcast stations aired during Advent and we paid nearly \$300,000 for 800 spots.”

“The four coinmercial TV stations in this market do not accept PSAs - period. **All** of them are happy to serve us when we approach them as a paying customer. **A** few years ago, I even had one studio hand mention how much he enjoyed the old Franciscan spots of years ago - and then lament that the Franciscans probably quit producing them because stations don’t run PSA’s since the FCC public service requirements have been rolled back. One station in our market produces and carries our TV Mass on Sunday since it went on the air in the 1950s. But after carrying it at 8 a.m. for about two decades, the station pushed it up to 6 a.m. several years ago with the explanation that it had sold all the slots before that time period. We had a great deal of complaints, but could not get the station to relent. So to get a better time, we bought the 6:30-7 a.m. slot when it opened up. Station executives and sales and service personnel with whom we are acquainted will often privately lament the passing of the FCC rules, but all of them concede that times have changed and the bottom line is the only measure of performance that matters to station owners and managers.”

“[W]e, in desperation, dedicated about \$6,000 toward getting our PSA’s (the three thirty-second spots provided by the USCCB) aired on the local TV stations. **All** the sales people I dealt with say these are different times. When I was in TV in the 70’s and 80’s, we did public service programming, not just PSA’s! We literally gave worthwhile

causes and issues programming time. I think it's a crime that things have deteriorated to this point."

"No free air time whatsoever in this market... Typical response is... "If we do it for one church we have to do it for all of them." If you want something aired you have to purchase air time. We bought air time last year for some really good Respect Life spots and one station refused to give us a "buy one, get one free arrangement" because they said the spot was "political." If I walked into any local TV station or radio station and asked for their public file, I would be blackballed in this market by every licensee. I would be committing public relations *hari kari* if I walked in and asked for a public file."

"There are no religious PSA's or programs on television and cable in my market that benefit the local community. I have yet to see a PSA in fringe, prime time, *or* daytime. If they have time they use it to promo their own shows. Any spots or programs are paid for by the majority of local dioceses. We had a once a year Mass at midnight on Christmas Eve donated by the station but that was canceled in 1999. Reason: too expensive for them to carry. Radio and TV stations are owned by huge conglomerates who have only one focus - money. We knew this would happen with deregulation of ownership. These huge conglomerates have no interest in the local communities in which they own stations. It's only the bottom line. They think that having a newscast a couple times a day covers their community responsibilities."

"Free PSA's on commercial TV network affiliates are harder and harder to come by .... All three TV network affiliates admit that they choose only 'warm and fuzzy' safe PSA's which speak to the largest portions of the audience; forget advocacy (pro-life) or denominational (evangelization)altogether. It is expensive to successfully buy air time. Once you start purchasing, you burn your bridges behind. Free PSA time will be even harder to secure [once you begin buying air time]. The diocese is in no financial position to seriously consider paid TV advertising."

"After more than 30 years, the tri-faith "Point of View" program was dropped .... The station claimed that it would increase children's programming ... in place of "Point of View." [The program featured] interesting people sharing stories about the role religious faith has played in their lives."

"The only regular program (non-paid), a weekly worship service that rotated among different churches, was taken off the air in 1995 so the time could be sold. Nothing non-paid has replaced *it on any of the stations*. I *once* attempted to buy time on a local channel to broadcast our bishop's installation. I was told I could not even buy the time because it would disrupt the audience for the soap operas. Literally I could not get them to name a price. In short, there is no unpaid time available on the TV stations in my community other than the very occasional PSA time."

“The Sunday Mass for Shut-ins is one of the longest running broadcasts of the Mass in television history, first airing in 1953. Local celebrants, choirs and congregation members participate in the production. Throughout the 1960’s, 1970s and early 1980s viewers enjoyed the professional production support of a local television station and a mid-Sunday morning timeslot. After the FCC’s community service requirements were relaxed in the mid-1980’s, the program experienced a gradual reduction in exceptional broadcast scheduling. Air time moved from 9 or 9:30 a.m to 6:30-7 a.m. Production support slowly was cut. Finally, both stations [which had supported the program] ended production and air time. The justification given by both stations for ending their long-term community service was the fact that the FCC no longer required that commitment. After ending its support, [one station] initially offered to sell the Archdiocese a 7 a.m. Sunday morning time slot for \$1,500 per half-hour [\$78,000 annually]. This meant the Archdiocese would have to pay \$78,000 annually simply to stay on the air, when, for decades, the air time had been made available for no cost as a community broadcast service. We have had the experience mirrored in other archdioceses.”

“[T]he [television] station moved our time [for a weekly televised religious service] from 11:30 a.m. to 6:00 a.m. Almost weekly, I still get calls or letters of complaint from shut-ins or their families. The station manager is apologetic, but says he needs that later spot to meet federal law requirements for three hours of children’s programming. He told me ... that we wouldn’t even be able to buy that later time.”

“One of the largest of the FM stations refused to sell us air time [for 60 second advertisements supporting a program which assists women who have had an abortion]. They claimed that because the word abortion was used in the spot that it would be offensive. We produced a very well done television commercial for the program that was rejected by all the television stations [in the market] because they claimed that they would have to offer equal time to other groups.”

“Local television stations have deleted the Mass that was broadcast weekly to shut-ins, the sick and the elderly under the pretext that it is too religious and that they would be required to give equal time to other denominations even though 50% of the audience is of one denomination. One station said that it was deleting the Mass to fulfill its obligation to programs for children. That [children’s] programming was commercially sponsored, revenue generating, and far from educational. A public affairs program that had been aired for many years was pulled in order to accept paid programming.”

“The most common cause for refusal [to air our programs] is ‘too religious’ in context or controversial in content. Whether paying or free, our PSA’s are routinely scrutinized and dropped or we are asked to rephrase. Better still, [stations offer] the sly inference that it’s a free PSA if it is watered down. It’s advertising [that] you would have to pay



for, if not [watered down]. This applies to anything that touches on [the program we produced] or alternatives to abortion."

"[A network] affiliate in [a major market] pulled a program called 'For Heaven's Sake' from the air, citing the Children's Television Act as the reason. The program had been on the air for more than 20 years and featured a Catholic priest, Jewish Rabbi and a Protestant minister discussing various topics. The program aired at 6:30 a.m. on Sunday morning and should not have affected the time allotted for the Children's Programming Act. ... In 1986 [another network] provided the Easter Mass live from the [Catholic] Cathedral for viewers at no charge. They did a Christmas service with the Baptists and other [religious] celebrations for the Jewish community. That ended in 1988 due to lack of budget to continue community service programming."

"I have repeatedly tried to get interfaith religious documentaries and public service announcements aired by three local network affiliates. In all cases, these have been rejected. The reasoning most often is the 'equal time' concern. There had also been a concern of content and I have had numerous conversations with no positive result about consideration of the documentaries that are prepared by interfaith teams. Recently, I have frankly stopped trying because of these futile attempts. On the other hand, we have never been rejected when we have agreed to buy air time for [our] Christmas message or have tagged our [religious service] (which is purchased air time) with [our] public service announcements."

"The usual comments from programming directors is that due to Pacific Time, sporting events are scheduled at the times the [religious] specials might be aired elsewhere. I also hear that the stations air their own news programs on Sunday mornings. We do have one [network affiliate] station that has a special [religious] segment on their weekend news programs. A priest ... gives a three minute commentary on a general topic. The station has told him that they are the only station in the U.S. that has air time for a priest in a non-religious program. In [a smaller] market, when an [interfaith] special is aired, it usually airs at 5:30 or 6:00 a.m."

"We usually have very little luck in placing any of the programs produced by the Interfaith Broadcasting Commission for television or radio. Most of our stations say there just isn't anytime available. However if I tell them we are willing to pay for a time slot, then all of a sudden they cannot air one of their paid programs for that week and we can run the show."

"A decade ago our PSA's were welcome at the television stations. Some even requested more of 'those [religiously-based] spots.' Today, none of the four network affiliates in our ... city accepts any PSAs. The reason: if you want time, you have to pay for it. The one exception: one station has given us a half-hour for [a religious service] and studio time to produce it since it went on the air in the early 1950s. From the beginning, the

Mass aired at 8:00 a.m. But about a decade ago it was moved to 6:00 a.m. because the station's new management found paid programming to fill all the discretionary time slots it had on Sunday mornings beginning at 6:30 a.m. When the 6:30 a.m. time slot became open, we bought it, moved the Mass to 6:30 a.m. and put our programming on at 6:00 a.m. Initially we were able to run PSA's through the time between the Mass and the paid programming -- but now the station airs only paid ads at that time. The station manager's explanation is that the purpose of the station is to make money, and giving us any time at all really doesn't make any sense in that context. He has assured us that he won't withdraw the free time because he fears a backlash, but he will move it earlier yet if he can sell the time slot we now get."

"Almost all television stations in the metro area refuse to give us free public service time either in the way of spot announcements or programs. Only a few stations do. We have to pay for any programs such as weekly Mass; TV special programs; radio spots. Reasons given for not running free spots or free programs: if we do it for you we have to do it for everyone; we don't have the time to give or sell to you -- we're sold out; we don't sell to religious organizations; it's not consistent with our programming."

"Spanish TV station rejected locally-produced Spanish Mass in favor of airing 'info-mercials.' Local CBS TV affiliate does not air any of the superb Interfaith Broadcasting Commission TV specials. A Spanish-speaking Catholic priest must buy time on local radio outlet to air his outreach program, which is public service oriented. All local affiliates have refused at some point to air religious programs and PSA's in so-called prime Sunday time unless they are paid."

"At present, only one network owned-and-operated television station devotes a weekly program of 30 minutes to religious affairs. Responsibility for production of [that] program rotates through Catholic, Protestant and Jewish faiths. A similar program, with a definite public affairs bent, was canceled on short notice by another network owned-and-operated station two years ago and was not replaced. The third major network owned-and-operated station canceled a one-hour ecumenical program three years ago and did not replace it. A major independent station canceled three programs -- one each for Catholic, Protestant and Jewish faiths."

"Faith Focus has also been sponsored by 17 area faith organizations ranging from the Jewish Federation of [City A] to the Baha'i Communities of [City B] and [City C]. It is the only non-profit seeking, non-denominational program on the air in our region. As one of the sponsors put it, 'Faith Focus has provided the only table that ~~we~~ all feel comfortable coming together at.' Without FCC regulations to level the playing field -- i.e. make everybody do at least some public interest broadcasting -- eventually the pressures of the market made the station, with all its good intentions and demonstrated commitment, give up on Faith Focus. The program's cancellation is a classic example of when the public interest has been sacrificed to the profit imperative. You can't really

blame our local station -- without FCC regulations -- they have nobody to answer to except their investors."

"Over the years, Interfaith Broadcasting Commission member programs have been pushed to earlier and less accessible air times as the networks have increased their weekend news and sports programming. Overall clearances of the programs, particularly on one network, have dropped significantly."

These experiences illustrate why the FCC must take strong and definitive action to quantify and enforce a public interest standard, and take no action to weaken existing ownership rules.

Our diocesan and other institutions serving the public around the country all report unresponsive conduct on the part of television broadcasters. The FCC should take no actions which will further concentrate ownership of radio and television stations and other media outlets in the hands of a handful of corporations. Rather, it should promulgate regulations to require broadcasters to serve the public interest. Absent specific regulations, broadcasters will continue to fail to serve the public interest using digital technology as they have while they used analog technology. The FCC has both the authority and the obligation to require a minimum amount of public interest programming on each digital channel used by digital broadcasters.

Respectfully submitted,



Mark E. Chopko  
General Counsel



Katherine G. Grincewicz  
Associate General Counsel

February 3, 2003

Attachment  
Testimony of Sr. Mary Parks, October 16, 2000  
In the Matter of En Banc Hearing  
on the  
Public Interest Obligations of TV Broadcast Licensees

SISTER PARKS: Good afternoon. My name is Mary Parks. I am a Sister of St. Joseph, committed to the Communications Ministry in Central Pennsylvania in the Diocese of Allentown and Johnstown for the Catholic church. Our diocese is about 115,000 Catholics in eight counties in west central Pennsylvania. I am grateful for the opportunity to speak with you today because I believe that under the current regulatory structure, free access to the public airwaves does not really exist anymore. And that concerns me a great deal.

I would like to begin my story today by telling you a little bit about my beginning in television. My first job after I graduated from college in 1973 was teaching Romper Room which was a children's television program in those days. And anybody over 30 might remember. Every morning for two years, I taught as a live on-air personality on WJAC TV in Johnstown, Pennsylvania. And many area youngsters had the opportunity to be part of that program on TV. We graduated a class every two weeks. The program was syndicated on paper so that it could be localized all over the country. And during those years from 1974 to 1975, my station did a tremendous amount of public service programming and free public service announcements. After teaching English for a few years, I returned to television in 1978 at the same station in Johnstown, 30 miles from where I grew up as a beep announcer, as a program host for public service programs, as a weather host.

Every week day, WJAC TV gave -- and this is every week day -- 15 minutes of public service programming time to worthwhile community interests right after our main news. People could see area religious leaders on "Religion Today." Alma Kramer hosted "Seniors Today", with a variety of interesting topics for older people in our community. We had a program for farmers, by farmers, called "Extension Six." I learned a lot, believe me. During prime time once a week during the school year, we ran a half hour program called scholastic quiz which allowed area high schools to send their best and their brightest to compete academically, answering questions on every subject from history to science to math. But the most coverage television provides for education is the expanded sports reporting we get on high school football during the 11:00 p.m. Friday news shows.

Under the stipulations of our union contract in those days, a large portion of our station identifications and commercials were read live. And because of that, I was more aware than I would ordinarily have been about the number of public service announcements we did because I was reading quite a few of them during every shift. When sales were slow at the television station and paid commercials were few, we did tons of PSAs. Today, news stations fill those available time slots with commercial material. They hype their local news incessantly. Some of the promotions are general in nature, while others are specific to news programs of the day. We used to do commercial updates in our news during the 1980s (I read ten years of news, too), but

those updates were news reporting. We were telling people all the news, not just teasing what we were going to tell them later. Now stations never give the whole story during those updates; they just entice viewers. Clearly, the industry deems this promotional barrage an imperative as stations are battling for the laurel ivy in these rating wars.

During the 1980s when I worked exclusively in the news department at WJAC, I could see the changes happening. In my opinion, we were doing more promotional and less reporting as the decade went on. My decade in news ended when I entered my religious community in 1990. But during the ten years that I was reporting news, I watched free programming disappear at our station. And now I am in the position to understand more fully what that means.

I became the secretary for Communications to the diocese of Altoona-Johnstown in 1998. And I am back in my old stomping grounds where people remember me from my days on television. I have many friends that still work on local television stations. And I enjoy my relations with them. And in spite of having a strong home field advantage, I am unable to get any of our public service announcements on the air free. I have been told that other than slots in the middle of the night, free time no longer exists. Maybe some groups are still getting PSAs. But I cannot say that I have personally seen any of them on the four network affiliates in our market. We ended up having to buy time for the first time in history at the diocese to get our jubilee and conciliation spots on the air. We spent \$6,000.00 after my Communications Advisory Committee recommended that it was better to do that than not have them there at all.

Things aren't any better on the radio front. For the first time this past year [2000], we had to buy time on the radio, too. We spend \$2,000 doing that. I really am reluctant about that because I believe this is air time which should be given to the community. It no longer exists.

I don't have time to tell you the whole story. Suffice it to say that I am very grateful for the opportunity to speak with you about this today.